GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Prohibition & Excise – Sri P. Nageswara Rao, former Assistant Commissioner (now retired) – Disciplinary action initiated for violation of conduct rules – punishment of recovery of an amount equivalent to withholding of two annual grade increments without cumulative effect from the gratuity – Filed O.A.No.6761/2012 – Hon'ble APAT Orders dt.22.04.2016 in OA No.6761/2012 and O.A.No.8019/2012 with VMA.No.2020/2012 – set aside the Government orders – orders of APAT implemented – Orders - Issued.

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REVENUE (VIGILANCE.IV.2) DEPATMENT

G.O.Rt.No.1151 Dated. 09.12.2016
Read:-

Hon'ble APAT Orders dt.22.04.2016 in OA No.6761/2012 and O.A.No.8019/2012 with VMA.No.2020/2012 filed by Sri P. Nageswara Rao, former Assistant Commissioner (now retired).

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ORDER:

It was brought to the notice of the Government by the Anti-Corruption Bureau that a case was registered against Sri P. Nageswara Rao, formerly Assistant Commissioner Prohibition & Excise, Nizamabad (now retired) on the allegation of acquisition of Assets disproportionate to the known source of income and conducted searches on the Assets of the Accused Officer on 26.04.2016 and registered a case in Cr.No.12/RCA-ACB-VJA/2006. The Director General, Anti-Corruption Bureau has submitted the final report and recommended to prosecute the Accused Officer in a court of law on the allegation that he has acquired disproportionate assets and to initiate departmental action against him for violation of conduct rules.

2. And whereas, Government after careful examination of the matter, placed the Accused Officer on his defence before the Tribunal for Disciplinary Proceedings vide Memo No.18295/Vig.V(2)/2006-9, dt.06.10.2008 and the case of violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964 was entrusted to Commissioner of Inquiries, by appointing Dr. Subhrendu Bhattacharya, IAS., Member, Commissioner of Inquiries, as inquiring authority vide G.O. Rt. No.225, Revenue (Vig.V) Deptartment, dt.18.02.2011.

3. And whereas, the Secretary, Tribunal for Disciplinary Proceedings vide his Lr.Dis.No.S/29/2011, dt.16.12.2011 has reported that the CO is found not guilty for the offence punishable under Rule 3 of Andhra Pradesh Civil Services (Conduct) Rules, 1964 r/w Rule 2(b) of the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989 framed under the Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Act, 1960 as amended in 1993. After examination of the matter, the findings of the Tribunal for Disciplinary Proceedings were accepted and further action was dropped against Sri P.Nageswara Rao, Deputy Commissioner Prohibition & Excise, Nellore vide G.O.Rt.No.298, Revenue (Vig.V) Department, Dt. 18-2-2012.

4. And whereas, Government have framed charges against Sri P. Nageswara Rao, for violation of conduct rules, vide G.O.Rt.No.848, Revenue (Vig.V) Department, dt. 3-7-2009 and directed to submit his explanation. The Charged Officer has submitted his explanation and requested drop further action against him. Government have entrusted the case to Commissioner of

Inquiries. The Inquiry Authority, in his findings, held that charge-I is partly proved and Charge-II is proved. Government after examining the enquiry report, have imposed a minor punishment i.e. recovery of an amount equal to withholding of two annual grade increments without cumulative

(P.T.O)

effect from the gratuity payable to the applicant on his retirement, vide G.O.Rt.No.1229, Revenue (Vig.V) Department, dt. 16-8-2012.

5. And whereas, Sri P. Nageswara Rao, former Assistant Commissioner Prohibition & Excise (now retired), has filed OA No. 8019 of 2012 before the Hon'ble Andhra Pradesh Administrative Tribunal with a prayer to suspend the said impugned order. The Hon'ble Andhra Pradesh Administrative Tribunal issued final judgment dt. 22.04.2016 in O.A.No.6761/2012 and O.A.No.8019 of 2012 with VMA No.2020 of 2012 vide reference read above, among others have ordered as follows:

> "Therefore, I hold that findings of the E.O. are based on no evidence. The Disciplinary Authority ought not to have accepted these findings and hold the applicant guilty of the charges, that too at the fag end of the career of the applicant. Points (i) & (ii) are answered accordingly.
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> For the reasons stated in the Points (i) & (ii), the OAs are allowed by setting aside the impugned G.O.Rt.No.1229 Revenue (Vig.V) Dept. dt. 16-8-2012 with a direction to the respondents to accord notional date of promotion to the applicant in the cadre of Jt.Commr. P&E on par with his junior with notional date of pay fixation, revision of pension and other benefits, excluding monetary benefits. Appropriate orders in this regard shall be passed within a period (3) months from the date of receipt of the copy of this order".

6. Government, after careful examination of the orders of Hon'ble Andhra Pradesh Administrative Tribunal dt. 22.04.2016 in O.A.No.6761/2012 and O.A.No.8019 of 2012 with VMA No.2020 of 2012 filed by Sri P. Nageswara Rao, former Assistant Commissioner Prohibition & Excise (now retired) have decided to implement the Orders of Andhra Pradesh Administrative Tribunal. Accordingly, Government hereby order to implement the orders of Hon'ble Andhra Pradesh Administrative Tribunal dt. 22.04.2016 in O.A.No.6761/2012 and O.A.No.8019 of 2012 with VMA No.2020 of 2012 filed by Sri P. Nageswara Rao, former Assistant Commissioner Prohibition & Excise (now retired) with regard to setting aside the punishment orders issued by the Government vide G.O.Rt.No.1229, Revenue (Vig.V) Dept., dt. 16.08.2012.

7. The Commissioner Prohibition & Excise, Andhra Pradesh, Vijayawada is requested to take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJEYA KALLAM
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri P. Nageswara Rao, former Assistant Commissioner Prohibition & Excise (now retired) (through the Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada).
The Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada.
Copy to:
1. The Principal Secretary to Government, Revenue (Vigilance.I) Department, Telangana State Secretariat, Hyderabad.

2. The Director General, Anti-Corruption Bureau, Andhra Pradesh, Vijayawada.
3. The Director General, Anti-Corruption Bureau, Telangana State, Hyderabad.
4. The Government Pleader for Revenue Department, APAT, Hyderabad with reference to the orders of Hon'ble APAT dt. 22-04-2016 in O.A.No.6761/2012 and O.A.No.8019 of 2012 with VMA No.2020 of 2012 filed by Sri P. Nageswara Rao, former AC P&E (now retired)
5. The Revenue (Excise-I) Department, AP Secretariat, Velagapudi, Guntur District.
6. The file.

//FORWARDED :: BY ORDER//

SECTION OFFICER